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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/498,856 Confirmation No. : 9387

Applicant : Hiroshi ONISHI, et al.

Filed : February 4, 2000

TC/A.U. : 3661

Examiner : Micahel Zanelli

Docket No. : 381TO/41092CO

Appeal No. 2002-2310

Customer No. : 23911

Title : Automatic Transmission Control System for an Automobile

APPELLANTS' REPLY TO SUPPLEMENTAL EXAMINER'S ANSWER

Mail Stop Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 30, 2004

*No. 4551
MS/AS
7/14/05*

Sir:

The following comments are submitted in response to the Supplemental Examiner's Answer dated June 29, 2004 regarding the above-identified appeal.

Claims 12-14 have been rejected under 35 U.S.C. §251 on the grounds that they attempt to recapture subject matter surrendered during prosecution of the original application.

For an understanding the issue raised by the Supplemental Examiner's Answer, Appellants make reference to Summary of the Invention set forth at pages 3 and 4 of the Appeal Brief, which succinctly describes the invention. The important point for present purposes is that the turbine torque estimation means 1004 simply selects one of two estimated turbine torque values 1014,1019, and